

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DELWAN BLAZER

Plaintiff,

v.

AUTOZONERS, LLC,

Defendant.

No. 2:22-cv-01635-CKD

PRETRIAL SCHEDULING ORDER

READ THIS ORDER CAREFULLY. IT CONTAINS IMPORTANT DATES THAT THE COURT WILL STRICTLY ENFORCE AND WITH WHICH ALL COUNSEL AND PARTIES MUST COMPLY. FAILURE TO COMPLY WITH THE TERMS OF THIS ORDER MAY RESULT IN THE IMPOSITION OF MONETARY AND ALL OTHER APPROPRIATE SANCTIONS, INCLUDING DISMISSAL OR AN ORDER OF JUDGMENT.

After all parties consented to the jurisdiction of a United States Magistrate Judge for all purposes pursuant to 28 U.S.C. § 636(c), the action was reassigned to the undersigned for all further proceedings and entry of final judgment. (ECF Nos. 6.) The parties' joint status report (ECF No. 7) is before the court.

Having reviewed the joint status report, the Court now issues the following pretrial scheduling order. Separately, pursuant to the parties' agreement, the Court will issue an order referring this case to the Court's Voluntary Dispute Resolution Program ("VDRP").

1 NATURE OF THE CASE

2 Plaintiff Delwan Blazer worked as a sales associate in a Rancho Cordova store of
3 defendant. His employment ended in mid-June of 2021. The parties dispute the circumstances of
4 his separation. Plaintiff sues for disability discrimination and race discrimination. He further
5 contends that defendant failed to provide compliant meal periods and, by extension, owes
6 statutory penalties for inaccurate wage statements and late payment of wages. Defendant denies
7 the allegations.

8 SERVICE OF PROCESS

9 All named defendants have been served and have appeared. No further service is
10 permitted except with leave of Court, good cause having been shown.

11 JOINDER OF PARTIES/AMENDMENT OF PLEADINGS

12 All named defendants have answered plaintiff's complaint. No further joinder of parties or
13 amendments to pleadings are permitted except with leave of Court, good cause having been
14 shown.

15 JURISDICTION/VENUE

16 Venue is undisputed, and is hereby found to be proper.

17 Plaintiff does not contest jurisdiction in federal court at present. Defendant removed the
18 case from Sacramento County Superior Court based on diversity of citizenship jurisdiction. The
19 parties are conferring over whether plaintiff entered into an agreement for binding arbitration.

20 INITIAL DISCLOSURES

21 To the extent that the parties have not already done so, the parties shall exchange initial
22 disclosures no later than **December 2, 2022**.

23 DISCOVERY DEADLINES, PROCEDURES FOR DISCOVERY DISPUTES

24 All non-expert discovery shall be completed¹ by **September 15, 2023**. Any discovery-
25 related motions must conform to the requirements of the Federal Rules of Civil Procedure and
26

27 ¹ "Completed" means (1) all discovery shall have been conducted so that all depositions have
28 been taken and (2) any disputes related to discovery shall have been resolved by appropriate order
if necessary and, where discovery has been ordered, the order has been complied with.

1 this Court's Local Rules, including Local Rule 251. Judge Delaney generally hears civil motions
2 on Wednesdays at 10:00 a.m.

3 Prior to filing any discovery-related motions, the parties are required to meet and confer in
4 good faith in an attempt to resolve their discovery disputes informally and without court
5 intervention. Such meet and confer shall take place in person, or at a minimum, via a telephonic
6 conference. The mere exchange of letters or e-mails alone is not sufficient. As part of their joint
7 statement related to a discovery motion submitted pursuant to Local Rule 251, the parties shall
8 also specifically outline: (a) what meet-and-confer efforts were undertaken; (b) when and where
9 such discussions took place; (c) who was present; and (d) how the parties' disputes were
10 narrowed as a result of such discussions. Failure to comply with these requirements may result in
11 summary denial of any discovery motion.

12 The Court strongly encourages the use of informal telephonic discovery conferences with
13 the Court in lieu of formal discovery motion practice. The procedures and conditions for
14 requesting and conducting such an informal telephonic discovery conference are outlined in
15 Judge Delaney's "Order re Informal Telephonic Conferences re Discovery Disputes," posted on
16 the Court's website at <http://www.caed.uscourts.gov/caednew/index.cfm/judges/all-judges/5055/>.
17 Additionally, subject to the Court's availability, the Court will also rule on disputes encountered
18 at oral depositions, so as to avoid such depositions from breaking down. In the course of the
19 deposition, the parties may contact Judge Delaney's courtroom deputy clerk at (916) 930-4004 to
20 inquire regarding Judge Delaney's availability. However, the parties are cautioned that these
21 informal procedures are not to be abused, and the Court may impose appropriate sanctions on an
22 offending party or parties, even in the course of informal discovery conferences.

23 EXPERT DISCLOSURES AND DISCOVERY

24 The parties shall disclose any expert witnesses in accordance with the specifications of
25 Federal Rule of Civil Procedure 26(a)(2) no later than **November 17, 2023**. Any rebuttal expert
26 disclosures shall be made in accordance with the specifications of Federal Rule of Civil
27 Procedure 26(a)(2) no later than **December 8, 2023**. Expert disclosures shall be filed with the
28 Court and served upon all other parties. All expert discovery shall be completed (see fn. 3) by

1 **January 25, 2024.** The same procedures for fact–discovery disputes apply to expert–discovery
2 disputes.

3 An expert witness not timely disclosed will not be permitted to testify unless the party
4 offering the witness demonstrates that: (a) the necessity of the witness could not have been
5 reasonably anticipated at the time that the expert disclosures were due; (b) the Court and opposing
6 counsel were promptly notified upon discovery of the witness; and (c) the witness was promptly
7 proffered for deposition. Failure to provide the information required by Federal Rule of Civil
8 Procedure 26(a)(2) along with the expert disclosures may lead to preclusion of the expert’s
9 testimony or other appropriate sanctions.

10 LAW AND MOTION

11 All law and motion, except as to discovery-related matters, shall be completed (i.e. heard)
12 by **October 4, 2023**. Counsel and/or parties proceeding without counsel are cautioned to refer to
13 the Local Rules regarding the requirements for noticing such motions on the Court’s regularly
14 scheduled law and motion calendar, including, but not limited to, Local Rule 230. Judge Delaney
15 generally hears civil motions on Wednesdays at 10:00 a.m. This paragraph does not preclude
16 motions for continuances, motions in limine related to trial, temporary restraining orders, or other
17 emergency applications, for which the Court may set a special briefing schedule, if necessary or
18 appropriate.

19 ALL PURELY LEGAL ISSUES ARE TO BE RESOLVED BY TIMELY PRETRIAL
20 MOTION. The purpose of law and motion is to narrow and refine the legal issues raised by the
21 case, as well as to dispose of those issues that are susceptible to resolution without trial by pretrial
22 motion. To accomplish that purpose, the parties need to identify and fully research the issues
23 presented by the case, then examine those issues in light of the evidence obtained through
24 discovery. If it appears to counsel after examining the legal issues and facts that an issue can be
25 resolved by pretrial motion, counsel are to file the appropriate motion consistent with the law and
26 motion cutoff set forth above. Conversely, motions in limine are procedural devices designed to
27 address the admissibility of evidence. THE COURT WILL LOOK WITH DISFAVOR UPON
28 SUBSTANTIVE MOTIONS PRESENTED UNDER THE GUISE OF MOTIONS IN LIMINE

1 AT THE TIME OF TRIAL.

2 FINAL PRETRIAL CONFERENCE/TRIAL SETTING

3 Plaintiff timely demanded a jury trial in his pleading; defendant does not contest this
4 issue. The undersigned declines to set final pretrial conference and trial dates at this juncture.
5 Instead, the Court orders the parties to submit a Notice of Trial Readiness on one of the following
6 timelines:

7 A. After resolution of any pending dispositive motions, the parties are to submit the
8 Notice not later than thirty (30) days after receiving the court's ruling(s) on the last
9 filed dispositive motion(s); or

10 B. If the parties do not intend to file dispositive motions, the parties are ordered to file the
11 Notice not later than one hundred twenty (120) days after the close of discovery and
12 the notice must include statements of intent to forgo the filing of dispositive motions.

13 In the Notice of Trial Readiness, the parties are to set forth the appropriateness of special
14 procedures, their estimated trial length, any request for a jury, their availability for trial, and if the
15 parties are willing to attend a settlement conference. The Notice shall also estimate how many
16 court days each party will require to present its case, including opening statements and closing
17 arguments. The parties' estimate shall include time necessary for jury selection, time necessary to
18 finalize jury instructions and instruct the jury. After review of the parties' Joint Notice of Trial
19 Readiness, the court will issue an order that sets forth dates for a final pretrial conference and
20 trial.

21 OBJECTIONS

22 Any objections to this pretrial scheduling order shall be filed within seven (7) days.

23 SETTLEMENT CONFERENCE

24 Should the parties wish to conduct a settlement conference with a magistrate judge, they
25 are to contact the undersigned's courtroom deputy clerk to inquire as to the availability of another
26 magistrate judge for a settlement conference.

27 ///

28 ///

